

Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 11/1/2018 10:11:23 PM
To: Mann, Laurie [mann.laurie@epa.gov]; Byrne, Jennifer [Byrne.Jennifer@epa.gov]; Guzzo, Lindsay [Guzzo.Lindsay@epa.gov]
Subject: FW: WA Hydro Dams NPDES wkly update, 11/1 - part 2

FYI to you three with a slight update – may relate re: TMDL interest from Yakama Nation.

From: Wu, Jennifer
Sent: Thursday, November 01, 2018 3:10 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Palmer, John <Palmer.John@epa.gov>
Cc: Merz, Martin <merz.martin@epa.gov>
Subject: WA Hydro Dams NPDES wkly update, 11/1 - part 2

Below, see updated information on the Yakama Nation tribal consultation based on a phone call I just had with the Tribe.

From: Wu, Jennifer
Sent: Thursday, November 01, 2018 2:06 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Palmer, John <Palmer.John@epa.gov>
Cc: Merz, Martin <merz.martin@epa.gov>
Subject: WA Hydro Dams NPDES wkly update, 11/1

Here's a short weekly update on the WA hydro dams NPDES updates. Relative to other weeks, it has been fairly quiet, which allowed Martin and me to finish a draft BE for internal review. Next week, my focus will be addressing comments from Ecology (if we receive them), continuing to prepare the permits for public comment (updating outfalls, considering comments from the Corps, formatting, references), and working on comments from John on the BE.

Lower Columbia and Lower Snake River Dams

1. Ecology Draft 401 certification communications and status – Ecology had indicated that they would send comments on the Lower Columbia dam permits this week, but I did not receive any. These comments could potentially be sufficient for us to go out for public comment pending the 316(b) discussions. My contact at Ecology is out for the rest of the week, but we'll be talking next week. Maia Bellon and others at Ecology were scheduled to meet with Riverkeeper on Monday, 10/29.
2. ODEQ 401(a)(2) downstream state. No updates
3. 316(b) and Dams – OGC briefed David Fotouhi on several questions related to 316(b): 1) Ex. 5 Attorney Client (AC)
Ex. 5 Attorney Client (AC) We didn't hear a timeline for when EPA HQ would give us a definitive answer.
4. Tribal Consultation – Yakama Nation contacted me on 10/26 and 11/1 that they would be sending a letter to Dan to further explore tribal consultation on the Columbia and Snake River dam permits. We should receive the letter early next week. This will likely involve a technical meeting where they may ask Dan to attend if Phil Rigdon, the Superintendent of the Natural Resources Department, also attends. Based on this conversation, the Yakama Nation program will then decide whether to advise the Tribal Council to engage in formal tribal consultation. They hope to have a meeting in November, which I will attend in person. They will have a full list of issues they'd like to discuss, but two areas they are interested in understanding/exploring are: 1) Division of permits between Oregon and Washington for Lower Columbia River dams; and 2) Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

They are also generally interested in what the permit does and doesn't cover, permit requirements, and TMDL. We can discuss further if others from EPA should attend or be available by phone. Mary Lou indicated she and John were going to a CRITFC meeting in mid-November with Tribal Councils where there is a potential opportunity to share messages/information on the permits.

5. ESA Consultation – Martin and I sent John a draft BE for internal review on 10/31/18. We have identified key holes/questions to discuss. Those include: 1) the action we're asking from the Services on 316(b); 2) Extent of Action Area; 3) Temperature result and analysis of discharges. In addition to doing our own work, BEs from Dru, Brian Nickel and Tonya Lane were very useful for source material, analytical process, and content organization.

Grand Coulee

1. Draft 401 certification request to Colville Tribes and Ecology – No new updates. See above for Ecology update.
2. 316b – See above for 316(b).

Overall

1. Internal communications – I'm now forwarding these updates to member(s) in the Oil Spill, NPDES compliance, Columbia River temperature TMDL, and WQS teams/programs to keep them in the loop. I have also asked Martin (holds true for John and Mary Lou, too) that if there are connections between these permits and the Columbia River temperature TMDL teams to feel free to share info on the permits with the TMDL and vice versa. I also asked Laurie that I would like to be involved in meetings where there are discussions on the TMDL that will affect permit limits for the dams.
2. External communications – I've been talking externally on these permits with many entities to make sure everyone is informed. Here's a description of outreach with different groups:
 - a. Tribes – See above for Yakama Nation tribal consultation update
 - b. Services – no update
 - c. Federal Caucus - no update
 - d. BOR - I had a call with BOR today, 11/1/18, to update them on the permit and other discussions. They raised questions on scope of the 401 certification, timing of issuance of the permit, and 316(b) discussions. We also briefly discussed the Columbia River temperature TMDL timing and content, and they asked that if we find out the TMDL may affect their permits to let them know.
 - e. US Army Corps – Martin and I talked with the Corps today, 11/1/18. I updated them on the status of various conversations affecting the timing of the permit. With the additional time, we're continuing to work through details of the permit including additional outfall information and questions on implementation for certain permit conditions.
 - f. Columbia Riverkeeper – no communication
 - g. Ecology – see above. I'll be in regular communication with Ellie Ott.
 - h. ODEQ – see above

Jenny Wu

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